



# Lamoine Board of Selectmen

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## Minutes – June 20, 2019

Vice-Chair Nathan Mason called the meeting to order at 6:30 PM

Present were: Selectmen Nathan Mason, S. Josephine Cooper, Gary McFarland, Kathleen Rybarz; Administrative Assistant Stu Marckoon and Facilities Maintenance Director Rick Gallegos.

**Executive Session** – Nathan moved to enter executive session pursuant to 1 MRSA § 405(6)(A) (Personnel Matter – performance evaluation). Gary 2<sup>nd</sup>. **Vote in favor 3-0** (Selectmen Rybarz had not yet arrived). Out at 6:58 PM.

**Regular Meeting** – Vice Chair Nathan Mason called the meeting to order at 7:04 PM following adjournment of a Special Town Meeting.

Present, in addition to the Selectmen and Administrative Assistant listed above were Appeals Board member Michael Jordan and Mia Petrini of Healthy Acadia. Selectmen Bob Christie had informed the board at the previous meeting that he was unable to attend.

**Agenda** – The Board agreed to move the no-smoking sign designs up higher in the agenda to accommodate Healthy Acadia. There was no change to the addendum.

**Minutes – June 6, 2019** – Kathleen moved to approve the minutes as presented. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Expenditure Warrant 27** – Selectmen signed warrant 27 in the amount of \$165,253.67. Stu reported he moved \$130,000 from investment management to checking to cover the school costs. He also reported that there would be a warrant 28 to sign at the end of the fiscal year and that both his salary and the clerk salary will represent a double pay because their contracts have 27 pay periods for the fiscal year in the event that there are 27-such pay periods in the year.

**Budget Report** – Stu gave a brief overview of where things stand with the budget with just 2-weeks left in the fiscal year.

**Quitclaim Deed** – Jo moved to sign a quitclaim deed to Fars Properties LLC for Map 14 Lot 51. Gary 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the deed, Michael Jordan witnessed it.**

**No Smoking Signs** – Mia Petrini of Healthy Acadia said the signs they've designed are consistent with the smoking policy approved by the Selectmen earlier in the fiscal year. She said if they are OK with the Selectmen, she would submit them to the grant funder for approval. Nathan said the signs look great. Kathleen asked about the size. Stu said they would be the size of a normal "no parking" sign. Jo asked Ms. Petrini if there has been any feedback on similar signs. Ms. Petrini said she was not sure, as she is brand

new to the position, but there has been no adverse feedback that she is aware of. Jo moved to approve the signs. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**AFLAC** – Stu reported that a representative from AFLAC wanted to know if the town was interested in offering coverage. He said the only burden to the town would be to deduct the premium from employees' pay who decide to purchase the insurance and send that to AFLAC. He said one employee has expressed interest so far. After a very brief discussion, Jo moved to offer AFLAC to employees. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Board of Appeals – Attorney Use Request** - Stu reported that the Board of Appeals has requested legal assistance with the latest case, Moldawer vs. Code Enforcement Officer. Appeals Board Secretary Michael Jordan briefly reviewed the case, and said the Board is presently trying to determine if the appeal was timely filed. Nathan said he had no issue with utilizing the attorney. Jo noted that the Code Enforcement Officer represents the town in her decision. Stu noted that this potentially could become a case where the CEO and the Appeals Board could both need an attorney. Jo moved to approve attorney use by the Board of Appeals. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Special Town Meeting (June 11, 2019) Results** – Stu reported that the School Budget validation passed, while the question to continue the school budget validation vote failed, meaning the town would no longer have to use the two town meeting process for the school budget.

Stu reported that the advisory question on the Maine DOT Municipal Partnership Initiative failed by 4-votes. He said he reads into that vote that there is support for having the state highways fixed up but not at property taxpayer expense. He said he had drafted a letter to the legislative delegation (Senator Luchini and Rep. Hubbell) with copies to MDOT regarding the condition of the state highways and the vote. Gary moved to sign the letter. Nathan 2<sup>nd</sup>. **Vote in favor was 4-0.**

Stu reported the advisory question on utilizing the capped landfill for a solar panel farm passed, and that Larissa Thomas had sent a draft Request for Proposals to review. Selectmen asked to have that on the next meeting agenda.

**Mowing Bid** – Two contractors submitted bids for roadside and landfill cap mowing. Selectmen opened the bids. George Crawford proposed a total \$2,500 per year for all three years for both the roadside and landfill cap mowing. Richard McMullen proposed \$6,000 for years 1 and 2, and \$6,100 for year 3. Kathleen moved to award the job to the low bidder. Nathan 2<sup>nd</sup>. **Vote in favor was 3-0.**

**Early Paving** – Nathan moved to sign an order authorizing paving on Buttermilk Road to begin prior to July 1, 2019 provided the town is billed after the start of the fiscal year. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Buttermilk Road Update** – Stu reported that McMullen Landscape & Construction has completed the culvert work needed on Buttermilk Road prior to paving. He said he awaits the bill.

**Contracts** – Jo moved to sign a 3-year employment contract with Clerk/Tax Collector Jennifer Kovacs. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

Gary moved to sign a 1-year contract with Animal Control Officer Shannon Byers. Jo 2<sup>nd</sup>. **Vote in favor was 4-0.**

Jo moved to sign a 1-year contract with Facilities Maintenance Director Rick Gallegos. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

Gary moved to sign a 1-year contract, retroactive to May, 2019 with Chris Meyer. Kathleen 2<sup>nd</sup>. **Vote in favor was 4-0.**

Stu recommended tabling until further clarification a 1-year contract with Code Enforcement Officer Rebecca Albright. There was no objection.

**Appointments** – Jo moved to make the following appointments:

| Position                | Proposed          | Term (Years) |
|-------------------------|-------------------|--------------|
| Town Clerk              | Jennifer Kovacs   | 3            |
| Tax Collector           | Jennifer Kovacs   | 3            |
| Excise tax Collector    | Jennifer Kovacs   | 3            |
| Deputy Treasurer        | Jennifer Kovacs   | 2            |
| Road Commissioner       | Stuart Marckoon   | 1            |
| Animal Control officer  | Shannon Byers     | 1            |
| Fire Chief              | George Smith      | 1            |
| Deputy Fire Warden      | Stuart Marckoon   | 1            |
| Transfer Stn. Manager   | Chris Meyer       | 1            |
| Harbor Master           | David Herrick     | 1            |
| Deputy Harbor Master    | Kevin Murphy      | 1            |
| Planning Board          | Perry Fowler      | 5            |
| Appeals Board           | Jay Fowler        | 3            |
| Conservation Cmsn.      | Linda Penkalski   | 3            |
| Conservation Cmsn.      | Diane Nicholls    | 3            |
| Conservation Cmsn. Alt. | Michael Jordan    | 3            |
| Conservation Cmsn. Alt. | John Robichaud    | 3            |
| Parks Commission Alt.   | Georgianna Pulver | 3            |
| Parks Commission        | Jeff Cosulich     | 3            |
| Technology Committee    | Merle Bragdon     | 3            |
| Recreation Committee    | Deanne Cray       | 3            |

Gary 2<sup>nd</sup>. **Vote in favor was 4-0. Selectmen signed the appropriate appointment papers.**

Selectmen present signed certificates honoring Doug Stewart for his service on the Conservation Commission and Marion McDevitt for her service on the Budget Committee.

Stu suggested that the Board ask Paul Howaniec if he is interested in moving up to a full Budget Committee position from his current role as Alternate, and if so, advertising for an alternate Budget Committee member. There was no objection.

**Cable TV Upgrade** – Jo moved to accept the recommendation of the Technology Committee to install upgraded TV equipment at the town hall. Gary 2<sup>nd</sup>. **Vote in favor was 4-0.**

**Broadband Expansion** – Stu reported that the Technology Committee recommended using \$5,000 from the 2019/20 budget and \$5,800 from the CTV Equipment fund for a consultant to move along Broadband expansion. He suggested the Selectmen sit down with Brian Lippold prior to approving the proposal. Kathleen asked if he could be invited to the July 11, 2019 meeting if possible. Stu said he would extend that invitation. Jo noted that AAPR has identified broadband availability as a major issue.

**Code Enforcement Matter** – Stu referred the Board to a memorandum from Code Enforcement Officer Rebecca Albright regarding a possible Shoreland Zoning violation in the Bar Harbor Highlands subdivision.

**Court Decision** – Stu reported that the Business and Consumer Court has ruled against a new hearing in the Friends of Lamoine vs. Planning Board case. He said the ruling orders the Board of Appeals to issue an order to the Planning Board to revoke the previous ruling from the Board of Appeals to issue the Gravel and Site Plan Review permits to Harold MacQuinn, Inc. for the expansion of a gravel pit.

**Audit Management Representation Letter** – Jo moved to sign the annual audit management representation letter with James Wadman, CPA. Gary 2<sup>nd</sup>. **Vote in favor was 4-0. Nathan signed the letter.**

**Lamoine 150!** – Jo reported that the logo for the event has been chosen, and Lee Cline is the winning designer. She said she will substitute 150! For the word “sesquicentennial” on the design. There was a brief discussion about the logo’s availability.

Jo noted the first event for the 150<sup>th</sup> celebration will be a scavenger hunt on September 19<sup>th</sup>. She said the official kick-off will be on October 5<sup>th</sup> with a road race and barbecue with the church and fire department participating. She said there will be an event every month.

Jo said on March 1, 2020 will be Lamoine Signing Day to mark the day the town officially became a town. She also noted that a picture of the Lamoine Sardine label has been located.

**Other Business** – Stu reported a request to lower the speed limit on Marlboro Beach Road will be on the next agenda.

Mike Jordan reported that the Comprehensive Planning Committee met the previous evening to discuss the rejection of one part of the proposed plan by the State of Maine. He said there were three comments from state agencies received. Stu said the Comp Plan Committee meets on July 31<sup>st</sup> and if the planned amendments to the plan are OK with the State, the revised plan will be ready for a town meeting vote.

**Next Meetings** – The next regular meetings of the Board will be on July 11, 2019 and August 15, 2019. Stu said he would have a warrant 28 and a warrant 1 ready to sign on July 2<sup>nd</sup>.

There being no further business, the meeting adjourned at 8:08 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst.